

**STAFF REPORT
ZONING BOARD OF ADJUSTMENT**

**Thursday, November 1, 2018
9:00 a.m.
Room 105 Courthouse Annex
Cascade County Commissioners Chambers**

SUP #014-2018

Subject Property Information

Name of Applicant & Owner:	Jim Savoy Treasure State Honey Co. 891 US Highway 89 Sun River, MT 59483
Legal Description:	S26, T21N, R1W, IN W2SW, SWNW MK1
Geo-Code(s):	02-3135-26-3-02-01-0000
Parcel Number(s):	0006155600
Existing Zoning:	Agricultural (A)
Requested Action:	Approval of a Special Use Permit to allow a Value-added Agricultural Commodity Processing Facility
Surrounding Land Uses / Zoning:	North: Residential / A South: Residential / A East: Residential and Worship Facility / A West: Residential / A
Current Land Use:	Open cut gravel pit and apiary
Applicable Regulations:	Sections 10 and 7.2.4(27) Cascade County Zoning Regulations

General Information:

The Cascade County Zoning Board of Adjustment is in receipt of a Special Use Permit application #014-2018 from Jim Savoy of Treasure State Honey Company

to allow a Value-added Agricultural Commodity Processing Facility on their property in S26, T21N, R1W, IN W2SW, SWNW MK1 of section 26 of Township 21N, Range 1W, Cascade County, MT. The applicant is requesting that a Special Use Permit be granted as required by Section 7.2.4(27) of the Cascade County Zoning Regulations.

General Provisions

A special use is a use for which conformance to additional standards will be required and shall be deemed to be a permitted use in its respective district, subject to the standards and requirements set forth herein, in addition to other applicable requirements of these regulations. All such uses are hereby said to possess characteristics of such unique and special forms that each specific use shall be considered as an individual case.

A special use permit may be issued only upon meeting all requirements in these regulations for a specific use which is explicitly mentioned as one of the "Uses Permitted Upon Issuance of a Special Use Permit as Provided in Section 10" within the respective zoning districts contained in Section 7 or Section 8.1.5 hereof. After the public hearing is closed, the Zoning Board of Adjustment can approve, deny, or approve with conditions the Special Use Permit. A separate Special Use Permit shall be required per each tract of land. The Special Use Permit fee shall be \$450.00.

Expiration

The Zoning Board of Adjustment approval of the Special Use Permit shall be valid for only one particular use and shall expire one year after the date of approval, if construction or the use has not started. The Zoning Administrator may grant a one-time only six (6) month extension of the Zoning Board of Adjustment approval.

The Special Use Permit shall expire if the use ceases for six (6) months for any reason. Any further extension requests must be granted by the Zoning Board of Adjustment prior to the date of expiration.

Findings of Fact:

1. The property is in the Agricultural (A) Zoning District. The proposed use is allowed in the Agriculture District pursuant to Section 7.2.4(27) of the Cascade County Zoning Regulations. *"Agricultural District...Uses Permitted Upon Issuance of a Special Use Permit...Value Added Agricultural Commodity Processing Facility."*
2. Treasure State Honey Company (hereinafter, Treasure State Honey) is the legal owner of the property.

3. The property is not known to be in violation of any Cascade County, State, or Federal regulations or laws and county taxes are current. However, staff have observed a discrepancy in the original site plans submitted for Special Use Permits (SUP) 016-2015 and 017-2015 both of which concern the property under consideration. The discrepancy pertains to the described location of the light manufacturing and assembly plant for honey processing conditionally approved as SUP 016-2015 and the current location of the open cut gravel mine conditionally permitted as SUP 017-2015 and Montana Department of Environmental Quality (DEQ) permit #2776. Staff have observed that the area of disturbance for the open cut gravel mine appears to have occurred outside the permitted boundary as per permit #2776 requirements and as originally described in the submitted site plans from SUP 016-2015 and SUP 017-2015. Original site plans, the original vicinity map, the DEQ Permit Site Map, a 2017 orthorectified USDA National Agriculture Imagery Program (NAIP) satellite image of the property, three recent photographs of the site area from three corners, and the conditional letters of approval for SUP 016-2015 and 017-2015 are attached as "Attachment B" to this staff report for review.
4. Legal Notice of the application and the public hearing was published in the Great Falls Tribune on October 21, 2018 and October 28, 2018. Legal Notice was sent to adjacent property owners on October 9, 2018. Staff have received no public comments at this time.
5. A special use permit may be revoked by the Cascade County Board of Adjustment at any time a building(s) or use(s) is deemed to be in violation of the standards and zoning requirements under which the special use permit was issued. A violation of a special use permit will be handled as any other violation under Section 13 of these regulations.
6. Appeals of the Zoning Board of Adjustment decision shall follow the process outlined in Section 12 of the Cascade County Zoning Regulations.
7. Access to the facility is from an existing approach off of Dracut Hill Road on the east border of the property.

Findings with Respect to the Analysis Criteria

Staff provides that the following analysis, findings and conclusion for each of the required criteria and conclusions provided under the controlling sections of the Zoning Regulations.

1. Conditions may be required that the Zoning Board of Adjustment determines if implemented, will mitigate potential conflicts in order to reach these conclusions.

2. The proposed development will not materially endanger the public health or safety.

Considerations:

- a. Traffic conditions in the vicinity, including the effect of additional traffic on streets and street intersections, and sight lines at street intersection and curb approaches:

Applicant: Access will be on Dracut Hill Rd with existing light to moderate traffic using existing approach.

Staff: Additional traffic on Dracut Hill Rd from the proposed use is expected to produce marginal impacts to traffic conditions in the area with the anticipated incoming and outgoing delivery truck traffic occurring, on average, twice a day in the morning and evening. However, an approach permit is currently not on file for the Dracut Hill Rd approach and should be a condition of approval.

- b. Provision of services and utilities including sewer, water, electrical, garbage collections, and fire protection.

Applicant: Install new septic system, use existing well, electrical, fiber optic, Sun River Fire Department located 1-mile from construction.

Staff: Staff have not received any comments/concerns about the provision of utilities from interested agencies for the proposed use at this time.

- c. Soil erosion and sedimentation.

Applicant: Only disturbing area for building less than 1-acre

Staff: Marginal impacts are expected from the proposed use.

- d. Protection of public, community, or private water supplies, including possible adverse effects on surface waters or groundwater.

Applicant: N/A

Staff: Marginal impacts are expected from the proposed use. The closest surface water is Mill Coulee Creek, a tributary to Sun River, and the Sun River Valley Ditch, located approximately 1,600 feet and 1,000 feet from the

proposed build site. Water will be sourced from an existing well that produces up to 35 gpm but the applicant has stated that full capacity will not be utilized.

3. The proposed development is a public necessity, or will not substantially impact the value of adjoining property.

Considerations:

- a. The relationship of the proposed use and the character of the development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Area has several buildings with the same construction within line of sight.

Staff: The surrounding area is agricultural in character and no conflicts are anticipated. Staff have received no comments/concerns from adjacent landowners at this time.

- b. Whether the proposed development is so necessary to the public health, safety, and general welfare of the community or county as whole, to justify it regardless of its impact on the value of adjoining property.

Applicant: Will not negatively affect property values as improvement is equal or better than some structures in area.

Staff: No negative impacts anticipated.

4. The proposed development will be in harmony with the area in which it is located.

Considerations:

- a. The relationship of the proposed use and the character of development to surrounding uses and development, including possible conflicts between them and how these conflicts will be resolved.

Applicant: Yes, do not anticipate conflicts as structure matches other structures in area.

Staff: No conflicts are anticipated. Staff have received no comments/concerns from adjacent landowners at this time.

5. The proposed development will be consistent with the Cascade County Growth Policy.

Considerations:

- a. Consistency with the growth policy objectives for the various planning areas, its definitions of the various land use classifications and activity centers, and its location standards.

Goal 1: Sustain and strengthen the economic well-being of Cascade County's citizens.

- A. *Stimulate the retention and expansion of existing businesses, new businesses, value-added businesses, wholesale and retail businesses, and industries including agriculture, mining, manufacturing/processing and forest products.*

Applicant: Yes

Staff: The existence of the business and its expansion constitutes a stimulation and retention of existing business and, in this case, specifically, a value-added agricultural business.

- B. *Stabilize and diversify the county's tax base by encouraging the sustainable use of its natural resources.*

Applicant: Yes

Staff: The apiary supported, and value-added agricultural commodities produced from the proposed use exemplifies the sustainable use of the County's natural resources and provides tax revenue from the utilization of a natural process integral to the existence and perpetuation of agriculture.

- C. *Identify and pursue primary business development that complements existing business, which is compatible with communities, and utilizes available assets. Identify and pursue targeted business development opportunities to include, but not limited to, manufacturing/heavy industry, telecommunications, and youth/social services.*

Applicant: Yes

Staff: The apiary supported by the proposed value-added agricultural use not only complements but is necessary for existing agricultural operations throughout the region and is inherent to the communities dependent on agricultural processes.

Thus the proposed business development constitutes the desired primary business development.

- D. Promote the development of cultural resources and tourism to broaden Cascade County's economic base.*

Applicant: Yes

Staff: The integral character of apiaries to agricultural production and the practice involved in apiary maintenance clearly promotes cultural resources tied to the County's economy.

- E. Foster and stimulate well-planned entrepreneurship among the county's citizenry.*

Applicant: Yes

Staff: The proposed use is not directly associated with entrepreneurship development; however, indirect benefits may occur as a result of the proposed use.

- F. Promote a strong local business environment. Encourage and strengthen business support mechanisms such as chambers of commerce, development organizations and business roundtable organizations.*

Applicant: Yes

Staff: The proposed use is not directly associated with supporting a strong local business environment through development organizations; however, indirect benefits may occur as a result of the proposed use.

- G. Improve local trade capture for Cascade County businesses. Promote local shopping as well as well-planned businesses and new businesses.*

Applicant: Yes

Staff: The proposed use is an improvement to local trade capture through the capitalization of a natural process necessary to the production of crops which then converts the natural process into a localized flow of capital through the production of raw honey and value-added agricultural commodities derived from beeswax. Local shopping is promoted through the local distribution and sales of such products. Additionally, the sales of the honey outside the county brings those dollars into the county and provided tax revenue for the county.

- H. *Network with and support other economic development efforts in the region and statewide, in recognition of Cascade County's interdependence with other communities and to leverage available local resources.*

Applicant: Yes

Staff: The apiary supported by the proposed use is fundamental to the agricultural economy and exemplifies the interdependence of agricultural communities and is directly a leveraging of local resources.

- I. *Encourage the growth of the agricultural economy.*

Applicant: Yes

Staff: The existence and expansion of the Treasure State Honey commercial operation constitutes the growth of the agricultural economy.

- J. *Stimulate the growth of the economy by encouraging the use of alternate methods of energy production, including wind energy.*

Applicant: No

Staff: No contribution to the growth of the alternative energy economy.

GOAL 2: *Protect and maintain Cascade County's rural character and the community's historic relationship with the natural resource development.*

Objectives:

- A. *Foster the continuance of agriculture and forestry in recognition of their economic contribution and the intrinsic natural beauty of grazing areas, farmlands and forests.*

Applicant: Yes

Staff: The existence of the Treasure State Honey business and its proposed expansion in this application constitutes the continuance of agriculture in the County.

- B. *Preserve Cascade County's scenic beauty and conserve its forests, rangelands and streams, with their abundant wildlife and good fisheries.*

Applicant: Yes – will be planting trees

Staff: The apiary supported by the proposed use is integral to the ecosystem services of the region and preserve the County's agricultural products as well as regional wildflowers at a time where bee populations are in decline.

- C. Preserve Cascade County's open space setting by encouraging new development to locate near existing towns and rural settlements and by discouraging poorly designed, land subdivisions and commercial development.*

Applicant: Yes

Staff: The proposed structure is located in close proximity to existing development on the property and the town of Sun River.

- D. Assure clean air, clean water, a healthful environment and good community appearance.*

Applicant: Yes

Staff: The apiary supported by the proposed use is integral to the ecosystem services of the region and impacts from the proposed use will have marginal impacts to the environment compared to other kinds of commercial activities.

- E. Support the development of natural resources including but not limited to timber, mining, oil and gas production, and renewable energy production.*

Applicant: Yes

Staff: By means of transportation from product distribution and utilities usage oil and gas production is supported through consumption.

- F. Continue to work with federal and state agencies to redevelop properties within Cascade County which are currently undergoing Superfund and Brownfields process.*

Applicant: N/A

Staff: The site of the proposed use and structure is not associated with Superfund or Brownfields sites or processes.

GOAL 3: Maintain Agricultural economy

- A. Protect the most productive soil types.*

Applicant: N/A

Staff: The location of the proposed use and associated structure is located in farmland of statewide importance.

B. Continue to protect soils against erosion.

Applicant: Yes

Staff: Marginal impacts to soil are anticipated.

C. Protect the floodplain from non-agricultural development.

Applicant: Yes

Staff: The property is not located in the floodplain.

D. Support the development of value-added agricultural industry in Cascade County utilizing the products from the regional area.

Applicant: Yes. This is the purpose of this construction.

Staff: The proposed use is a development of value-added agricultural industry in the County.

GOAL 4: Retain the presence of the US Military in Cascade County.

Objectives:

A. Encourage the federal congressional delegation to actively support maintaining the current mission status at a minimum.

B. Promote the location of additional military missions in Cascade County.

C. Encourage the reactivation of the runway at Malmstrom Air Force Base for fixed wing operations.

D. Refer to the Joint Land Use Study for resolving conflicts and promoting mission compatible development.

Applicant: N/A

Staff: Staff does not believe that this application will have any impact on the presence or mission of Malmstrom AFB in Cascade County. The nearest launch facility is approximately four miles away.

GOAL 5: Preserve and enhance the rural, friendly and independent lifestyle currently enjoyed by Cascade County's citizens.

Objectives:

- A. *Maintain Cascade County's citizens independent lifestyle and minimize local governmental intervention, to the extent possible, consistent with the requirements of a continually evolving economy and constantly changing population.*

Applicant: Yes

Staff: Staff views the proposed use to be agreeable to the maintenance of independent lifestyles through the proposed services provided. Due to the nature of the activities on the property, regulatory requirements involve government intervention and, in this respect, the proposed use and facility does not minimize local government intervention.

- B. *Preserve and promote Cascade County's rich cultural heritage, rooted in natural resource development and reflected in its numerous cultural/historic sites and archaeological areas.*

Applicant: N/A

Staff: The proposed use will preserve county cultural heritage in agriculture by virtue of its agricultural character.

- C. *Promote fire prevention measures throughout the county, giving special emphasis to the extreme fire hazards present at the wild land/urban interface.*

Applicant: N/A

Staff: *The property is located in the wildland-urban interface with low-risk terrain/fuel hazard according to the 2008 Cascade County Community Wildfire Protection Plan. Staff finds the proposed use of the property will not contribute to the promotion of fire prevention measures throughout the county.*

- D. *Encourage the continued development of educational programs and facilities, recreational opportunities and spaces and health services for all county residents.*

Applicant: No response

Staff: The proposed use does not apply.

- b. Consistency with the municipal and joint land use plans incorporated by the Growth Policy.

Applicant: Yes

Staff: The proposal will not have a negative impact on the municipal or joint land use plans and is likely to have a significant positive effect on the local and regional economy.

Section 10.7 Operations

Operations in connection with the Special Use permits shall not be more objectionable to nearby properties by reason of noise, fumes, vibrations, or flashing lights, than would be the operation of any permitted use.

Motions:

The following motions are provided for the board's consideration:

Alternative 1: Move the Special Use Permit to allow a Value-added Agricultural Commodity Processing Facility on Parcel 0006155600, Geocode 02-3135-26-3-02-01-0000 be **denied** (ZBOA member proposing denial must delineate legal reason that the application be denied); or

Alternative 2: Move the Board adopt the staff report and **approve** the Special Use Permit to a Value-added Agricultural Commodity Processing Facility on Parcel 0006155600, Geocode 02-3135-26-3-02-01-0000 subject to the following conditions:

1. The applicant obtains a septic permit from the City-County Health Department and any other required county, state, or federal permits.
2. The applicant complies with boundary requirements and regulations associated with DEQ Permit #2776 and any other required permits.
3. The applicant obtains an address for the facility accessed from the Dracut Hill Road approach.
4. Operation hours and days be limited to 7:00 AM to 7:00 PM, Monday through Saturday.

Attachments:

- Attachment A: Special Use Permit Application, Facility Site Plan, Zoning Map, Copy of Section 7.2.4 of the Cascade County Zoning Regulations
- Attachment B: SUP 016-2015 and SUP 017-2015 Site Plan, SUP 016-2015 and SUP 017-2015 Vicinity Map, DEQ Permit #2776 Site Map,

Conditional Letters of Approval for SUP 016-2015 and SUP 017-2015,
2017 NAIP satellite imagery of the considered site, three current
photographs of the site from three corners of the property.

cc: Jim Savoy